



U.S. Department of Justice

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April 6, 2023

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BY ECF

The Honorable Mary Kay Vyskocil
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Maximo Garcia v. United States*, 22 Civ. 1453 (MKV)

Dear Judge Vyskocil:

This Office represents the United States (the “Government”) in the above-referenced action. Plaintiff Maximo Garcia (“Plaintiff”) filed this action asserting claims under the Federal Tort Claims Act, 28 U.S.C. § 1346 *et seq.* See Dkt. No. 5. The Government filed an answer to Plaintiff’s complaint on February 10, 2023. See Dkt. No. 15. The Parties jointly write to seek an adjournment of an upcoming initial conference and deadline to submit a joint letter and Proposed Case Management Plan in light of the Parties’ ongoing settlement negotiations. For the same reason, the Parties also request that the Court stays discovery.

Specifically, pursuant to the Court’s March 1, 2023, Order (the “Order”), the Court scheduled an Initial Pretrial Conference in this matter for April 21, 2023. See Dkt. No. 16, at 1. In addition, pursuant to the Order, the Parties are required to submit to the Court a joint letter and Proposed Case Management Plan by April 14, 2023, and to commence discovery. See *id.*

The Parties respectfully request that the Court adjourn the Initial Pretrial Conference that is currently scheduled for April 21, 2023, adjourn the Court’s deadline for the Parties to submit a joint letter and Proposed Case Management Plan, and stay discovery. Specifically, the Parties have been engaging in settlement negotiations to potentially resolve Plaintiff’s claims against the Government. Further, if the Parties’ settlement discussions result in a resolution of Plaintiff’s claims, it would obviate the need for an initial pretrial conference in this matter or for the Parties to engage in discovery.

Should the Parties’ settlement discussions fail to result in a resolution of this matter, the Parties will provide a status update to the Court; respectfully request that the

Court schedule an initial conference to a date that is convenient for the Court; promptly submit to the Court a Proposed Case Management Plan; and proceed with discovery.

We thank the Court for its consideration of this matter.

Respectfully,


DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for the United States

By: /s/ Adam M. Gitlin
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cc: Greg Garber, Esq., Plaintiff's counsel (by ECF)

GRANTED. The Initial Pretrial Conference scheduled for April 21, 2023 is hereby adjourned sine die. The Parties shall update the Court on the status, but not the substance, of settlement discussions on or before May 3, 2023. SO ORDERED.

Date: 4/6/2023
New York, New York


Mary Kay Vyskocil
United States District Judge